

MINUTES  
TOWN OF JUNO BEACH  
**PLANNING AND ZONING BOARD MEETING**

April 11, 2016  
Council Chambers  
340 Ocean Drive

PRESENT:                   MICHAEL STERN, VICE CHAIR  
                              DON FELICELLA, BOARD MEMBER  
                              BOB HAMILTON, BOARD MEMBER  
                              JACK KNEUER, BOARD MEMBER  
                              PAUL SHEA, ALTERNATE BOARD MEMBER

ALSO PRESENT:           RUBEN CRUZ, DIRECTOR OF PLANNING & ZONING  
                              LEONARD RUBIN, TOWN ATTORNEY  
                              VANESSA DUNHAM, TOWN CLERK  
                              FRANK DAVILA, PLANNING TECHNICIAN  
                              CAITLIN COPELAND, ADMINISTRATIVE SECRETARY

ABSENT:

Vice Chair Michael Stern called the Planning and Zoning Board Meeting to order at 5:30 pm.

Audience: 12

- ~    CALL TO ORDER
- ~    PLEDGE OF ALLEGIANCE TO THE FLAG
- ~    ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA - none

1.    SEARING IN OF NEWLY APPOINTED BOARD MEMBERS

Town Clerk Dunham swore in all of the Planning and Zoning Board Members.

2.    PUBLIC COMMENTS

Public Comments opened at 5:35pm.

Stuart Katz, 800 Ocean Drive #601, stated that he was privileged to present to the Board the position of the Juno Beach Property Owners Association concerning optimal land use for the Town owned parcel opposite the Tower Condominium at 840 Ocean Drive (*Mr. Katz provided staff with a hard copy of his comments and they are attached*).

Madeline Morris, 800 Ocean Drive #601, stated that Stuart Katz will speak for her.

Stuart Katz, 800 Ocean Drive #601, stated he was privileged to present the position of the Juno Beach Property Owners Association with respect to the pace of review of components

of the Town's Zoning Code and Comprehensive Development Plan that govern land with nonconforming uses. (Mr. Katz provided staff with a hard copy of his comments and they are attached).

Public Comments closed at 5:39pm.

3. **DESIGNATE CHAIR/VICE CHAIR-**

Director of Planning and Zoning Cruz stated that due to the resignation of Mr. Turner, he recommended that the Board delay this item after the next Council meeting to enable Vice Mayor Lyons to nominate a new Board member. In the interim, the Vice Chair will run the meeting and Alternate Board member Shea will be able to vote on all matters.

4. **DISCUSS ANNUAL REVIEW OF PLANNING AND ZONING BOARD DUTIES AND RESPONSIBILITIES**

Director of Planning and Zoning Cruz discussed with the Board the annual review of Planning and Zoning Board's duties and responsibilities, including acting as the Local Planning Agency. (See attached)

Town Attorney Rubin clarified that the term Local Planning Agency is used in Chapter 163, Florida Statutes, and means that the Board provides input on all amendments to the Zoning Code and Comprehensive Development Plan.

Director of Planning and Zoning Cruz stated that once a new Board member has been appointed, Staff will provide a review of the Sunshine Law and the Ethics Code. He also stated that his door is always open to the Board members, as well as to the Town Council, for any questions that they might have.

Director of Planning and Zoning Cruz asked if there were any questions.

Board member Hamilton stated that the Planning and Zoning Board has not met for a lengthy period of time and therefore, he feels as if the Board cannot fulfill its mission. There were a number of decisions made by Council and the Administration that did not get the benefit of the Planning and Zoning Board's input. He used the vote on whether to surplus the old Town Hall site as an example.

Town Attorney Rubin stated that the Town Council can ask for the Board's input on any matter it wishes. There was a resolution that the Town adopted years ago that set forth a very specific procedure to follow when considering when to surplus Town-owned property. The Council held a public hearing, but did not vote to declare the property as surplus. However, the Town followed the procedure that was mandated by the resolution.

Board member Hamilton stated that he respected the Town Attorney's comments but wants to make sure that his energy is best serving the community.

Director of Planning and Zoning Cruz stated that the Planning and Zoning has always been guided by the Town Council and reiterated the duties set forth in Chapter 34.

Board member Hamilton stated that he appreciated the comments and believes that in order to benefit the community, the Town Council and Planning and Zoning Board should make decisions together. He cited to the substance abuse treatment facility.

Vice Chair Stern asked if there were any other questions.

5. **DISCUSS ORDINANCE NO. 685 – PROPOSED ZONING CODE TEXT AMENDMENT**

Planning and Zoning Director Cruz discussed Ordinance No. 685 (See Memorandum).

Town Attorney Rubin stated that any proposed change to the Zoning Code must come before the Planning and Zoning Board. He explained the substance of the proposed Ordinance and stated that the goal was to provide applicants procedural due process. He asked if there were any questions.

Board member Felicella stated that he had no problem with the proposed Ordinance but asked whether the Council services as the Zoning Board of Adjustment and Appeals in other municipalities.

Town Attorney Rubin explained that this was a policy decision decided by the Council long ago. Some municipalities have the Council act as the Board of Adjustment, some have a separate Board of Adjustment, and others combine the Planning and Zoning Board and the Board of Adjustment into a single Planning, Zoning and Appeals Board.

Board member Felicella asked if other municipalities had five member Boards and whether they required a super-majority to grant a variance.

Town Attorney Rubin stated that a Board of Adjustment typically consists of 5 or 7 members and it is common to require a super-majority vote. He also noted that every Zoning Code must provide a variance procedure to ensure its validity.

Board member Felicella stated that the Town Council should address this issue during its Goal Setting Workshop.

Town Attorney Rubin replied that that is an excellent idea.

Vice Mayor Pro Tem Fahy asked whether an applicant requiring a variance automatically goes before the Planning and Zoning Board.

Town Attorney Rubin stated that the Planning and Zoning Board is not the body that grants variances; rather, variance requests are considered by the Zoning Board of Adjustment and Appeals.

Vice Mayor Pro Tem Fahy asked what goes to the Planning and Zoning Board.

Town Attorney Rubin stated that all rezonings and site plans go to the Planning and Zoning Board. Legally, variances are subject to a different set of criteria. The Town Council reserved to itself the authority to grant variances from the Zoning Code.

Madeline Morris, 800 Ocean Drive #601, stated that she believed that there should be some separation between the Town Council and the decisions that are being made for variances.

Town Attorney Rubin went into more detail about variances.

Peggy Davies, 460 Atlantic Boulevard, asked if the old Town Hall site is considered excess property.

Town Attorney Rubin clarified that the Council did merely held a public hearing but did not declare the site as excess property. Therefore, it is still Town-owned property for the Town Council to do with it what it wishes.

Board member Stern asked if anyone had any comments.

Board member Felicella asked if the Council goes for a separate body for zoning board of justice of appeals, can a member of the Planning and Zoning also be appointed to that body.

Town Attorney Rubin stated that in theory yes because the Planning and Zoning Board does not have final authority on behalf of the town and therefore such an appointment would not violate the constitutional dual office-holding prohibition.

Board member Felicella asked about a Council member being able to be appointed to the Zoning Board of Adjustment and Appeals.

Town Attorney Rubin stated that an individual member of the Council could not serve in both roles; however, the collective Council could serve in both capacities.

**MOTION:** Felicella/Shea made a motion to recommended approval of Ordinance No. 685 as presented to the board.

**ACTION:** The motion passed unanimously.

## 6. COMMENTS FROM STAFF

Director of Planning and Zoning Cruz stated that he had received some comments that were brought up on Chapter 34. Staff has been working on them with Town Attorney Rubin and they will come before the Planning and Zoning Board in the near future. He also stated that the timeline for Chapter 34 will hopefully be brought up on May 2<sup>nd</sup>, in regards to the

revisions that had already been discussed in the past. On May 16<sup>th</sup>, Staff will bring up the Comprehensive Development Plan elements that had been discussed in the past. He also discussed how members could approach the Town Council if they had a certain question or concern.

7. **COMMENTS FROM BOARD**

Board member Hamilton stated that he wanted to articulate the subject of the recently approved substance abuse treatment facility.

Town Attorney Rubin asked if he was speaking about Seminole Plaza.

Director of Planning and Zoning stated that it's now called Beach House Plaza and there is a "cheat sheet" that he will distributed to the Town Council and the Planning and Zoning Board so that everyone knows all of the facts.

Board member Hamilton stated that people have asked him about the number of beds at the facility.

Director of Planning and Zoning Cruz stated that the site yields a maximum of 277 beds, based on parking, the size of the property, and lot coverage. The applicant that is currently there is not proposing anywhere near 277 beds. He went into greater detail about the facility, staff and security.

Board member Hamilton stated that he appreciated the comments and would like to look forward into the future to make sure that they have done everything possible to make sure that the center is looked as a "best in class" facility. He also asked about the amount of beds in the old treatment facility on Venus Drive.

Director of Planning and Zoning Cruz stated that there were 26 beds in that facility.

Board member Hamilton stated that he believed the treatment facility standards should have been set high and that he believes the Town is extending itself a bit.

Director of Planning and Zoning Cruz stated that they looked at all standards.

Board member Hamilton thanked Director of Planning and Zoning Cruz.

Board member Felicella stated that going back, they were mandated to select a site, and asked if the number of beds is a function of the size of the parcel.

Town Attorney Rubin stated that it is.

Board member Felicella stated that hopefully we all chose the best site out of all the options that we had.

Director of Planning and Zoning Cruz stated that the staff had brought forth all options and the Town Council made the tough decision on which one was the best for the Town.

Board member Felicella asked that if they wanted to make a presentation to present in front of Council, as an individual, do they need to state that they are a member of the Planning and Zoning Board.

Town Attorney Rubin stated that while Council knows who the members are of the Planning and Zoning Board are, the Board members should voice their opinions solely as residents of the Town of Juno Beach and not as a representative of the Board.

Vice Chair Stern asked if there were any other comments from the Board.

Alternate Board member Shea thanked the Staff and Town Council for all the work that they have done. He also asked if they could keep the Planning and Zoning Board advised as to pending projects.

Director of Planning and Zoning Cruz stated that the Board members do receive a copy of the Activity Report every week.

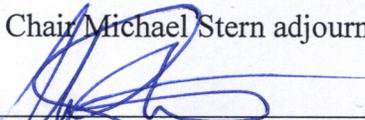
Vice Chair Stern thanked the Staff as well as asked if there were any other comments from the board.

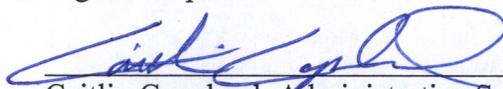
**MOTION:** Stern/Hamilton made a motion to adjourn.

**ACTION:** The motion passed unanimously.

8. **ADJOURNMENT** - 6:27pm

Vice Chair Michael Stern adjourned the meeting at 6:27pm.

  
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Vice Chair Michael Stern

  
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Caitlin Copeland, Administrative Secretary